

**THE ROSEN LAW FIRM, P.A.**

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[Proposed] Lead Counsel for Plaintiff and Class

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARK GREY, INDIVIDUALLY AND ON  
BEHALF OF ALL OTHERS SIMILARLY  
SITUATED,

Plaintiffs,

vs.

NEXCEN BRANDS, INC., DAVID S. OROS,  
ROBERT W. D'LOREN, and DAVID B.  
MIESTER,

Defendants.

-----X

GHIATH HAMMOUD & WAEI HAMMOUD,  
INDIVIDUALLY AND ON BEHALF OF ALL  
OTHERS SIMILARLY SITUATED,

Plaintiffs,

vs.

NEXCEN BRANDS, INC., ROBERT W.  
D'LOREN, and DAVID B. MEISTER,

Defendants.

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CASE No.: 1:08-cv-04906-MGC

CLASS ACTION

**DECLARATION OF PHILLIP KIM**

CASE No.: 08-CV-5063-MGC

CLASS ACTION

*(caption continues)*

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RONALD DOTY, INDIVIDUALLY AND ON CASE No.: 1:08-cv-05172-MGC  
BEHALF OF ALL OTHERS SIMILARLY  
SITUATED, CLASS ACTION

Plaintiffs,

vs.

NEXCEN BRANDS, INC., DAVID S. OROS,  
ROBERT W. D'LOREN, and DAVID B.  
MIESTER,

Defendants.

-----X  
FRANK B. FALKENSTEIN, INDIVIDUALLY CASE No.: 1:08-cv-06126-UA  
AND ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED, CLASS ACTION

Plaintiffs,

vs.

NEXCEN BRANDS, INC., DAVID S. OROS,  
ROBERT W. D'LOREN, and DAVID B.  
MIESTER,

Defendants.

-----X

**DECLARATION OF PHILLIP KIM**

Phillip Kim hereby declares under penalty of perjury:

1. I am an attorney with the Rosen Law Firm, P.A. [Proposed] Lead Counsel in this action and have personal knowledge of the facts set forth herein. I am duly admitted to practice law in the State of New York and before this Court. I make this Declaration in support of the Motion of Plaintiff Malgorzata Ozor ("Movant" or "Ozor") to be appointed Lead Plaintiff, and for approval of her selection of the Rosen Law Firm, P.A. to serve as Lead Counsel.

2. Attached hereto as Exhibit 1 is a true and correct copy of the PSLRA early notice disseminated on a national financial wire service on May 28, 2008.

3. Attached hereto as Exhibit 2 is a true and correct copy of Movant's PSLRA certification.

4. Attached hereto as Exhibit 3 is a true and correct copy of a loss chart evidencing the losses of Movant in Nexcen securities during the Class Period.

5. Attached hereto as Exhibit 4 is a copy of the firm resume of the Rosen Law Firm, P.A..

I declare under penalty of perjury that the following is true and correct.

Executed: July 28, 2008

/s/ Phillip Kim  
Phillip Kim

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28<sup>th</sup> of July, 2008, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ Phillip Kim

# EXHIBIT 1

## Coughlin Stoia Geller Rudman & Robbins LLP Files Class Action Suit Against NexCen Brands, Inc.

Wednesday May 28, 4:25 pm ET

NEW YORK--(BUSINESS WIRE)--Coughlin Stoia Geller Rudman & Robbins LLP ("Coughlin Stoia") (<http://www.csgr.com/cases/nexcen/>) today announced that a class action has been commenced in the United States District Court for the Southern District of New York on behalf of purchasers of NexCen Brands, Inc. ("NexCen") (NASDAQ:[NEXC](#) - [News](#)) common stock during the period between May 10, 2007 and May 19, 2008 (the "Class Period").

If you wish to serve as lead plaintiff, you must move the Court no later than 60 days from today. If you wish to discuss this action or have any questions concerning this notice or your rights or interests, please contact plaintiff's counsel, Samuel H. Rudman or David A. Rosenfeld of Coughlin Stoia at 800/449-4900 or 619/231-1058, or via e-mail at [dj@csgr.com](mailto:djr@csgr.com). If you are a member of this class, you can view a copy of the complaint as filed or join this class action online at <http://www.csgr.com/cases/nexcen/>. Any member of the purported class may move the Court to serve as lead plaintiff through counsel of their choice, or may choose to do nothing and remain an absent class member.

The complaint charges NexCen and certain of its officers and directors with violations of the Securities Exchange Act of 1934. NexCen operates as a brand management and franchising company in the United States and internationally. The Company owns, licenses, franchises, and markets a portfolio of brands, including Bill Blass, Waverly, The Athlete's Foot, Shoebox New York, Great American Cookies, Maggie Moo's, Marble Slab Creamery, Pretzel Time, and Pretzelmaker.

The complaint alleges that, during the Class Period, defendants issued a series of materially false and misleading statements that misrepresented and failed to disclose: (i) that the Company was able to finance a portion of the Great American Cookies acquisition by agreeing to an accelerated-redemption feature, which would force the Company to pay back half of its borrowing by a certain date; (ii) that the Company was unable to comply with this accelerated-redemption feature, which would reduce the amount of cash available to the Company; (iii) that the Company had no reasonable basis for its earnings guidance for fiscal 2008; and (iv) as a result of the foregoing, the Company's ability to continue as a going concern was in serious doubt.

Then, on May 19, 2008, the Company announced that it "expects to amend the company's Annual Report on Form 10-K for the fiscal year ended December 31, 2007." The Company also stated that its prior financial guidance for 2008 "is no longer applicable." Moreover, the Company revealed that it "is actively exploring all strategic alternatives to enhance its liquidity, including potential capital market transactions, the possible sale of one or more of its businesses, and discussions with the company's lender."

Upon this news, shares of the Company's stock fell \$1.95 per share, or 77%, to close at \$0.58 per share, on heavy trading volume.

Plaintiff seeks to recover damages on behalf of all purchasers of NexCen common stock during the Class Period (the "Class"). The plaintiff is represented by Coughlin Stoia, which has expertise in prosecuting investor class actions and extensive experience in actions involving financial fraud.

Coughlin Stoia, a 190-lawyer firm with offices in San Diego, San Francisco, Los Angeles, New York, Boca Raton, Washington, D.C., Philadelphia and Atlanta, is active in major litigations pending in federal and state courts throughout the United States and has taken a leading role in many important actions on behalf of defrauded investors, consumers, and companies, as well as victims of human rights violations. The Coughlin Stoia Web site (<http://www.csgr.com>) has more information about the firm.

### Contact:

Coughlin Stoia Geller Rudman & Robbins LLP  
Samuel H. Rudman, 800-449-4900  
David A. Rosenfeld  
[dj@csgr.com](mailto:djr@csgr.com)

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Source: Coughlin Stoia Geller Rudman & Robbins LLP

**CERTIFICATION**

The individual or institution listed below (the "Plaintiff") authorizes the Rosen Law Firm, P.A. to file an action or amend a current action under the federal securities laws to recover damages and to seek other relief against NexCen Brands, Inc. ("Nexcen"), its current and former officers and directors and affiliated parties. The Rosen Law Firm, P.A. agrees to prosecute the action on a contingent fee basis not to exceed one-third of any recovery and will advance all costs and expenses. Any legal fees and expenses will be determined by, and payable, only upon order of the U.S. District Court.

Plaintiff declares, as to the claims asserted under the federal securities laws, that:

1. I have reviewed the complaint against Nexcen and certain of its officers and directors and I retain Rosen Law Firm, P.A. as counsel in this action for all purposes.
2. I did not engage in transactions in the securities that are the subject of this action at the direction of plaintiff's counsel or in order to participate in this or any other litigation under the securities laws of the United States.
3. I am willing to serve as a lead plaintiff either individually or as part of a group. A lead plaintiff is a representative party who acts on behalf of other class members in directing the action, and whose duties may include testifying at deposition and trial.
4. The following is a list of all of the purchases and sales I have made in Nexcen securities during the Class Period set forth in the complaint. I have made no transactions during the class period in the debt or equity securities that are the subject of this lawsuit except those set forth below.


Number of Shares Purchased or Sold	Date(s) Purchased	Price Paid Per Share	Date(s) Sold (if applicable)	Price Sold Per Share
		\$		\$
		\$		\$
		\$		\$
		\$		\$
		\$		\$
		\$		\$
		\$		\$
		\$		\$
		\$		\$
		\$		\$
		\$		\$
		\$		\$
		\$		\$
		\$		\$
		\$		\$

PLEASE FAX CERTIFICATION TO ROSEN LAW FIRM: (212) 202-3827

5. I have not, within the three years preceding the date of this certification, sought to serve or served as a representative party on behalf of a class in an action involving alleged violations of the federal securities laws, except: for the following company(ies):

6. I will not accept any payment for serving as a representative party beyond my pro rata share of any recovery, except reasonable costs and expenses, such as travel expenses and lost wages directly related to the class representation, as ordered or approved by the court pursuant to law.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 25 day of JULY, 2008.

Signature: 

Name:

MALGORZATA B. OZOR

Address:

Phone:

E-mail:

Item. 4 (continue from prior page if needed)

Number of Shares Purchased or Sold	Date(s) Purchased	Price Paid Per Share	Date(s) Sold (if applicable)	Price Sold Per Share
SEE ATTACHMENT		\$		\$
		\$		\$
		\$		\$
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		\$		\$
		\$		\$
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		\$		\$

PLEASE FAX CERTIFICATION TO ROSEN LAW FIRM at (212) 202-3827  
OR MAIL TO:  
THE ROSEN LAW FIRM PA  
350 FIFTH AVENUE, SUITE 5508  
NEW YORK, NY 10118



## NEXCEN

## ATTACHMENT: Malgorzata Ozor

## PURCHASES

2/21/2008	665	\$4.14
2/22/2008	70	\$4.00
2/22/2008	100	\$3.91
2/22/2008	100	\$3.90
2/22/2008	30	\$4.00
2/22/2008	70	\$4.00
2/22/2008	266	\$3.92
2/22/2008	2,364	\$3.92
2/22/2008	335	\$3.91
2/22/2008	5,900	\$3.83
2/22/2008	5,900	\$3.82
2/22/2008	665	\$3.89
2/28/2008	3,000	\$4.02
2/28/2008	1,000	\$4.02
3/3/2008	1,000	\$3.73
5/2/2008	70	\$3.13
5/2/2008	400	\$3.13
5/2/2008	5,300	\$3.13
5/2/2008	5,800	\$3.13
5/6/2008	2,100	\$3.08
5/7/2008	1,800	\$3.01
5/7/2008	200	\$3.00
5/7/2008	200	\$3.08
5/7/2008	4,800	\$3.08
5/12/2008	100	\$2.73
5/12/2008	4,900	\$2.73
5/15/2008	5,000	\$2.71
5/15/2008	5,000	\$2.64

NEXCEN

ATTACHMENT: Malgorzata Ozor

SALES

5/1/2008	5,665	\$3.23
5/2/2008	5,700	\$3.19
5/2/2008	1,000	\$3.20
5/2/2008	4,800	\$3.20
5/6/2008	2,000	\$3.13
5/13/2008	200	\$2.79
5/13/2008	4,800	\$2.79
5/15/2008	1,500	\$2.80

# EXHIBIT 3

## OZOR ESTIMATED LOSSES

TRADE/ACQUISITION DATE	# PURCHASES	PPS	COST	SALE DATE	# Sold	PPS	PROCEEDS	# HELD	VALUE OF HELD SHARES (\$0.54)	NET LOSS
2/21/2008	665	(\$4.14)	(\$2,753.10)	5/1/2008	5,665	\$3.23	\$18,298.52			
2/22/2008	70	(\$4.00)	(\$280.00)	5/2/2008	5,700	\$3.19	\$18,183.57			
2/22/2008	100	(\$3.91)	(\$391.00)	5/2/2008	1,000	\$3.20	\$3,200.00			
2/22/2008	100	(\$3.90)	(\$390.00)	5/2/2008	4,800	\$3.20	\$15,360.48			
2/22/2008	30	(\$4.00)	(\$120.00)	5/6/2008	2,000	\$3.13	\$6,260.20			
2/22/2008	70	(\$4.00)	(\$280.00)	5/13/2008	200	\$2.79	\$558.00			
2/22/2008	266	(\$3.92)	(\$1,042.72)	5/13/2008	4,800	\$2.79	\$13,392.00			
2/22/2008	2,364	(\$3.92)	(\$9,266.88)	5/15/2008	1,500	\$2.80	\$4,200.00			
2/22/2008	335	(\$3.91)	(\$1,309.85)							
2/22/2008	5,900	(\$3.83)	(\$22,597.00)							
2/22/2008	5,900	(\$3.82)	(\$22,538.00)							
2/22/2008	665	(\$3.89)	(\$2,586.85)							
2/28/2008	3,000	(\$4.02)	(\$12,060.00)							
2/28/2008	1,000	(\$4.02)	(\$4,020.00)							
3/3/2008	1,000	(\$3.73)	(\$3,730.00)							
5/2/2008	70	(\$3.13)	(\$219.10)							
5/2/2008	400	(\$3.13)	(\$1,252.00)							
5/2/2008	5,300	(\$3.13)	(\$16,588.47)							
5/2/2008	5,800	(\$3.13)	(\$18,154.00)							
5/6/2008	2,100	(\$3.08)	(\$6,467.79)							
5/7/2008	1,800	(\$3.01)	(\$5,418.00)							
5/7/2008	200	(\$3.00)	(\$600.00)							
5/7/2008	200	(\$3.08)	(\$615.50)							
5/7/2008	4,800	(\$3.08)	(\$14,783.52)							
5/12/2008	100	(\$2.73)	(\$273.00)							
5/12/2008	4,900	(\$2.73)	(\$13,376.51)							
5/15/2008	5,000	(\$2.71)	(\$13,550.00)							
5/15/2008	5,000	(\$2.64)	(\$13,199.50)							
<b>TOTALS</b>	<b>57,135</b>		<b>(\$187,862.79)</b>		<b>25,665</b>		<b>\$79,452.77</b>	<b>31,470</b>	<b>\$16,993.80</b>	<b>(\$91,416.22)</b>

# EXHIBIT 4

## **THE ROSEN LAW FIRM P.A. BIOGRAPHY**

### **I. ATTORNEYS**

#### **LAURENCE ROSEN - FOUNDING MEMBER**

Laurence Rosen is a 1988 graduate of New York University School of Law. He earned an M.B.A. in finance and accounting at the University of Chicago Graduate School of Business and a B.A. in Economics from Emory University. Mr. Rosen served as a law clerk to the Honorable Stanley S. Brotman, Senior United States District Judge for the District of New Jersey. Mr. Rosen entered private practice as an associate at the law firm of Skadden Arps Slate Meagher & Flom where he participated in a number of complex securities class action and derivative litigation matters. He later served as an associate at McCarter & English in Newark, New Jersey where he specialized in securities and business litigation.

After practicing general securities and commercial litigation in New York City with Solton Rosen & Balakhovsky LLP, Mr. Rosen founded The Rosen Law Firm to represent investors exclusively in securities class actions and derivative litigation. Mr. Rosen is admitted to practice law in New York, California, Florida, New Jersey and the District of Columbia.

#### **PHILLIP KIM – ASSOCIATE**

Mr. Kim is a graduate of Villanova University School of Law and received a B.A. in Economics from The Johns Hopkins University in Baltimore, Maryland. Prior to joining The Rosen Law Firm, Mr. Kim served as Assistant Corporation Counsel for the City of New York in the Special Federal Litigation Division. In that position, Mr. Kim defended a number of class action lawsuits, vertically handled numerous individual actions, and participated in more than

seven trials. Mr. Kim focuses his practice on securities class actions and shareholder derivative litigation. Mr. Kim is admitted to the bars of the State of New York, the United District Court for the Southern District of New York, and the United States District Court for the Eastern District of New York.

**TIMOTHY W. BROWN – ASSOCIATE**

Mr. Brown is a graduate of the University of Chicago Law School where he was a recipient of a 75% tuition merit scholarship. Mr. Brown received his B.S. in Business Economics, *magna cum laude*, from Brown University. Mr. Brown specializes in securities class actions and shareholder derivative litigation. Mr. Brown is admitted to the bars of the State of New York and the United States District Court for the Southern District of New York. Mr. Brown was previously employed by UBS, AG.

**II. RECENT ACCOMPLISHMENTS OF THE ROSEN LAW FIRM PA**

In re Entropin, Inc. Securities Litigation, Case No. CV 04-6180-RC. The Rosen Law Firm was counsel to Plaintiff in this securities class action in the United States District Court for the Central District of California, and Lead Counsel in the related class action brought in California state court. These actions alleged violations of § 10b and 20(a) of the Securities Exchange Act and violations various state securities laws arising out of allegedly false and misleading statements about the Company's lead drug candidate Esterom, respectively. On the eve of trial of both the federal and state actions, Plaintiffs agreed to settle these cases for \$4.5 million in cash.

In re StockerYale, Inc. Securities Litigation, Case No. 1:05-cv-00177. The Rosen Law Firm served as sole Lead Counsel in this consolidated class action in the U.S. District Court for the District of New Hampshire. The complaint alleged violations of §10b, 20(a) and 20A of the Securities Exchange Act arising out of the issuance of allegedly false and misleading press

releases regarding certain contracts the Company claimed to have signed. Plaintiffs settled this class action for \$3.4 million cash payment to class members.

Madden v. Pegasus Communications Corp, Case No. 2:05-cv-0568. The Rosen Law Firm was sole Lead Counsel in this class action in the U.S. District Court for the Eastern District of Pennsylvania. The action alleged violations of § 10b and 20(a) of the Securities Exchange Act arising out of the issuance of allegedly false and misleading statements concerning the Company's direct broadcast satellite agreement with DirecTV and the Company's reported subscriber growth and totals. Plaintiffs settled this action for a \$2.95 million cash payment to class members.

In re TVIA, Inc. Securities Litigation, Case No. C-06-06403-RMW. The Rosen Law Firm was sole Lead Counsel in this consolidated class action in the U.S. District Court for the Northern District of California. The complaint alleged violations of §10b, 20(a), 20(A) of the Securities Exchange Act arising out of the Company's issuance of materially false and misleading financial statements by virtue of the Company improper recognition of revenues in violation of GAAP. Plaintiffs settled this action for a \$2.85 million cash payment to class members.

In re Robert T. Harvey Securities Litigation, Case No. SA CV-04-0876 DOC (PJWx). The Rosen Law Firm served as Co-Lead Counsel in this class action in the U.S. District Court for the Central District of California and the related California state court class actions. This action alleged violations of §10b and 20(a) of the Securities Exchange Act arising out of the sale of partnership interests that corresponded to the securities of Chaparral Network Storage and AirPrime, Inc., n/k/a Sierra Wireless, Inc.. Plaintiffs settled this and the related state court actions for an aggregate \$2.485 million cash payment to class members.



In re PartsBase.com, Inc. Securities Litigation, Case No. 01-8319. The Rosen Law Firm was Co-Lead Counsel in this class action in the U.S. District Court for the Southern District of Florida. The action arose from a \$45.5 million initial public offering of common stock by the defendant issuer and a syndicate of underwriters including Roth Capital Partners and PMG Capital Corp. Co-Lead Counsel obtained a \$1.5 million cash settlement for class members.

In re Empyrean Bioscience Securities Litigation, Case No. 1:02CV1439. This class action in which the Rosen Law Firm was sole Lead Counsel was filed in the U.S. District Court for the Northern District of Ohio. The action alleged violations of §10b of the Securities Exchange Act based on misrepresentations in defendants' SEC filings and press releases concerning the clinical testing of the Company's GEDA Plus microbicide gel. After the court denied defendants' motion to dismiss the complaint, the parties briefed the issue of whether the securities were traded in an efficient market. Prior to a decision on market efficiency, Plaintiffs settled the case for a \$1.4 million payment to class members.

In re Flight Safety Technologies, Inc. Securities Litigation, Case No. 3:04-cv-1175. The Rosen Law Firm was sole Lead Counsel in this consolidated class action in the U.S. District Court for the District of Connecticut. The action alleged violations of §10b and §20(a) of the Securities Exchange Act arising out of the defendants alleged failure to disclose material adverse information concerning the Company's products under development and misrepresenting the amount of time it would take to commercialize the products. Plaintiffs settled the case for a \$1.2 million cash payment to class members.

In re: M.H. Meyerson & Co. Securities Litigation, Case No. 02-CV-2724. This class action, in which the Rosen Law Firm was sole Lead Counsel, was filed in U.S. District Court for District of New Jersey. The complaint alleged violations of §10b of the Securities Exchange Act based on allegedly false and misleading SEC filings related to the planned launch of an online

brokerage business, and other material misrepresentations, which allegedly inflated the price of Meyerson stock during the class period. Plaintiffs settled the case for a \$1.2 million payment to class members.

In re OPUS360 Corp. Securities Litigation, Case No. 01-Civ-2938. The Rosen Law Firm was Co-Lead Counsel for this action brought in the Southern District of New York alleging violations of the federal securities laws arising from a \$75.0 million initial public offering of common stock by the defendant issuer and a syndicate of underwriters including JP Morgan and Robertson Stephens, Inc. The Court certified the action as a class action and approved a final settlement.

Huttenstine v. Mast, Case No. 4:05-cv-152 F(3). The Rosen Law Firm is currently serving as sole Lead Counsel in this class action pending in the U.S. District Court for the Eastern District of North Carolina. The complaint alleges violations of §10b and 20(a) of the Securities Exchange Act arising out of the Company's material misstatements and omissions concerning the nature of certain sales contracts it had entered into. The parties have preliminarily agreed to settle this action for \$425,000 cash payment to class members.

Fouladian v. Busybox.com, Inc., Case No. BC 248048. The Rosen Law Firm was Co-Lead Counsel in this class action brought in California Superior Court, Los Angeles County. The action arose from a \$12.8 million initial public offering of securities by the defendant issuer and underwriter. California and federal securities laws claims (Cal. Corp. Code §25401 and §11 of 1933 Act) were brought on behalf of a nationwide class of public offering investors. The Court approved a \$1.0 million cash settlement to a nationwide class of investors.

Gianoukas v. Tullio and Riiska, Case No. 02CC18223. The Rosen Law Firm was lead counsel to a group of twenty-one plaintiffs that brought claims of fraud and negligent misrepresentation in California Superior Court, Orange County against the former Chief

Executive and Chief Financial Officers of a publicly traded software company, NQL Inc. The complaint alleged that the officers issued a series of false and misleading press releases concerning the business of NQL for the purpose of inducing the purchase and retention of NQL securities. Plaintiffs settled the action favorably for a confidential amount.

The BoxLot Company v. InfoSpace, Inc., Case No. GIC 779231. The Rosen Law Firm was plaintiff's counsel for this action filed in California Superior Court, San Diego County which arose from the aborted merger agreement and ultimate sale of The BoxLot Company's assets to InfoSpace. The action alleged violations of California securities laws (Cal. Corp. Code §25400 & §25401) and common laws and sought damages of \$92.8 million from InfoSpace and its CEO, Naveen Jain. The case settled favorably for plaintiffs for a confidential amount.

Kinzinger v. Paradigm Medical Industries, Inc., Case No. 03-0922608. This class action pending in Utah State court, in which The Rosen Law Firm is sole Lead Counsel, alleged violations of the Utah Securities Act against Paradigm Medical arising out of false and misleading statements made to investors in a \$5.0 million private placement of securities. The Court approved a \$625,000 settlement on behalf of the private placement purchasers.

### **III. SECURITIES CLASS ACTIONS IN WHICH THE ROSEN LAW FIRM P.A. IS CURRENTLY LEAD COUNSEL**

In re Nature's Sunshine Products Securities Litigation, Case No. 2:06-cv-00267-TS-SA. The Rosen Law Firm is currently serving as sole Lead Counsel in this consolidated class action pending in the U.S. District Court for the District of Utah. The complaint alleges violations of § 10b and 20(a) of the Securities Exchange Act arising out of the Company's materially false and misleading statements concerning its financial statements and business practices. The complaint alleges that the Company was able to attain a market capitalization of over \$300 million based on the false and misleading statements. This action is in discovery.

Zagami v. Natural Health Trends Corp., et al., Case No. 3:06-CV-1654-D. The Rosen Law Firm is currently serving as sole Lead Counsel in this class action pending in the U.S. District Court for the Northern District of Texas. The complaint alleges violations of § 10b and 20(a) of the Securities Exchange Act arising out of the Company's issuance of materially false and misleading financial statements in violation of GAAP. This action is in discovery.

In re Northfield Laboratories, Inc. Securities Litigation, Case No. 06 C 1493. The Rosen Law Firm is currently serving as sole Lead Counsel in this consolidated class action pending the U.S. District Court for the Northern District of Illinois. The complaint alleges violations of § 10b and 20(a) of the Securities Exchange Act arising out of the Company's materially false and misleading statements concerning its PolyHeme blood substitute product and business prospects. The complaint alleges that the Company was able to attain a market capitalization of over \$550 million based on the false and misleading statements. This action is currently at the pleading stage.

Kou v. Medis Technologies, Ltd., Case No. 07-CV-3230 (PAC). The Rosen Law Firm is currently serving as sole Lead Counsel in this class action pending in the United States District Court for the Southern District of New York. The complaint alleges violations of § 10b and 20(a) of the Securities Exchange Act arising out of the Company's issuance of materially false and misleading statements regarding the nature of sales contracts the Company entered into with Microsoft. The action is currently at the pleading stage.

In re Fuwei Films Securities Litigation, Case no. 07-CV-9416 (RJS). The Rosen Law Firm is currently serving as sole Lead Counsel in this consolidated class action pending in the U.S. District Court for the Southern District of New York. The complaint alleges violations of the Securities Act of 1933 in connection material misrepresentations in the Company's

Registration Statement and Prospectus in connection with the Company's \$35 million IPO. This action is currently at the pleading stage.

Munoz v. China Expert Technology, Inc., Case No. 07-CV-10531 (AKH). The Rosen Law Firm is currently serving as sole Lead Counsel in this class action pending in the U.S. District Court for the Southern District of New York. The complaint alleges violations of §10b and 20(a) of the Securities Exchange Act arising out of the Company's issuance of materially false statements of revenues and earnings. This action is in discovery.

In re Himax Technologies, Inc. Securities Litigation, Case No. C 07-4891-DDP. The Rosen Law Firm is currently serving as co-Lead Counsel in this consolidated class action pending in the U.S. District Court for the Central District of California, Western Division. The complaint alleges violations of Sections 11 and 15 of the Securities Act arising out of the Company's \$462 million IPO. This action is currently at the pleading stage.

Mallozzi v. Industrial Enterprises of America, Inc., Case No. 07-CV-10321 (GBD). The Rosen Law Firm is currently serving as co-Lead Counsel in this class action pending in the U.S. District Court for the Southern District of New York. The complaint alleges violations of §10b and 20(a) of the Securities Exchange Act arising out of the Company's issuance of materially false and misleading statements of revenues, earnings, and financial condition. The action is currently at the pleading stage.